

SHELLEY D. KROHN
E-mail: Shelley.TrusteeKrohn@7trustee.net
228 South 4th Street, #300
Las Vegas, Nevada 89101
Telephone: (702) 421-2210
Facsimile (702) 366-1939

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)	CASE NO. BK-S-13-13549-LBR
)	CHAPTER 7
DAVID MARK HINCHCLIFFE)	
)	
KARON L. HINCHCLIFFE)	Date: August 12, 2013
)	Time: 11:00 a.m.
Debtors.)	

TRUSTEE'S MOTION TO SELL NON-EXEMPT ASSET AT PUBLIC AUCTION,
EMPLOY AUCTIONEER, AND PAY COMMISSION

SHELLEY D. KROHN, Chapter 7 Trustee ("Trustee") in the above-entitled Estate, hereby requests this Court for an order to sell non-exempt assets at public auction, employ auctioneer, and pay commission as set out as follows:

1. Shelley D. Krohn is the duly qualified and acting Trustee in the above-entitled case.

2. Among the assets of the bankruptcy estate are the following non-exempt items:

- a. 1994 20' Bayliner Boat (HIN# BL1A68CKI394)
- b. 1994 Trailer (VIN# 405120BA3RC000205)
- c. 1996 Yamaha Jet Ski (HIN# YAMA3914J596)
- d. 2002 Trailer (VIN# 1G9BA12112R289007)

3. In order to liquidate said assets for the benefit of creditors, it will be necessary to sell said property.

1 4. Your Movant is satisfied that the best and highest net
2 recovery to the estate will arise by selling said personal property
3 at an auction through the employment and services of a licensed
4 auctioneer.

5 5. The Trustee feels that it is in the best interest of the
6 Estate and the unsecured creditors to sell the property at auction,
7 employ an auctioneer, and pay a commission to KENNETH CHUPINSKY of
8 CRET LLC Series 2012-2 DBA NELLIS AUCTION.

9 6. The terms of sale will be cash or equivalent on the day of
10 sale.

11 7. Movant desires to employ CRET LLC Series 2012-2, DBA Nellis
12 Auction to conduct the sale of the asset in exchange for a commission
13 equal to 10% of the gross receipts of the sale for the assets. Auction
14 customers will be charged a 10% buyers fee for all merchandise
15 purchased, which will be added to the customer's bill as a service
16 charge to attend the auction. Costs of relocation to auction house
17 from Pahrump, Nevada of \$150.00 will be paid by the Bankruptcy Estate.
18 A copy of the Auctioneer's Proposal is attached hereto as EXHIBIT 1.


19 8. The Trustee will file a Report of Sale with this Court after
20 the auction. No further confirmation of sale will be sought.

21 9. Movant is informed and believes, and therefore alleges, that
22 the granting of this Motion is in the best interest of this Estate and
23 accordingly the Court should approve said employment as provided in
24 11 U.S.C. §327(a). Movant is informed and believes that said
25 auctioneer is a disinterested person within the meaning of 11 U.S.C.
26 §101, and accordingly that it is appropriate to employ said auctioneer
27 under the provisions of 11 U.S.C. §327(a).

1 10. Movant is informed and believes that said auctioneer is
2 aware of the provisions of 11 U.S.C. §328 and has agreed,
3 notwithstanding the terms of conditions of employment herein set
4 forth, that the Court may allow compensation different from the
5 compensation provided herein if such terms and conditions prove to
6 have been improvident in light of developments unanticipated at the
7 time of fixing such terms and conditions.

8 WHEREFORE, Movant prays for an order authorizing the sale of the
9 non-exempt assets by auction to employ KENNETH CHUPINSKY of CRET LLC
10 Series 2012-2 DBA Nellis Auction as auctioneer, and to pay a
11 commission equal to 10% of the gross receipts of the sale for the
12 assets to the auctioneer as well as costs to relocate the assets to
13 the auction house of \$150.00.

14
15 DATED this 5th day of July, 2013.

16
17 
18 _____
19 SHELLEY D. KROHN, TRUSTEE

20
21
22
23 W:\Sdk\TRUSTEE\HINCHCLIFFE\Mtn to Employ Auctioneer.wpd
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

July 5, 2013

NELLIS AUCTION PROPOSAL TO SELL ASSETS

For: Shelly Krohn, Trustee

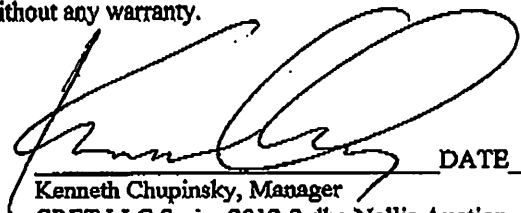
Re: David & Karon Hinchcliffe (13-13549)

I. SCOPE OF SERVICES

- A. Nellis Auction will inventory all merchandise prior to the sale.
- B. All equipment and inventory will be arranged prior to the sale and preview to assure security and facilitate the buyers inspection.
- C. Extensive marketing of the sale will be conducted. Nellis Auction will prepare and mail and/or email an 8½" x 5½" 2-color flyer to our list of over 3,000 potential bidders consisting of previous auction customers. Nellis Auction will run advertising in the Las Vegas Review Journal under the auction headings. These assets will be featured on our web site www.nellisauktion.com. We had over 4,000 visits to our website auction preview pages for our last regular auction
- D. Since 1974, the staff of Nellis Auction has conducted numerous sales comparable to the sale contemplated under this proposal. The sale will be conducted by Ken Chupinsky & Dan Watson assisted by an auction staff of 20 experienced auction personnel. Nellis Auction will organize, sell and handle delivery of the merchandise to the proper buyer.
- E. All sales are recorded on the computer to insure a prompt and accurate accounting and the required report of sale will be filed with the consignor. Nellis Auction is licensed and bonded in Clark County and presently holds a current resale permit. Nellis Auction also holds the required U.S. Trustee bond of \$100,000.00 to conduct bankruptcy sales and a \$50,000.00 Clark County Administrator bond.

II. TERMS & CONDITIONS OF THE SALE

- A. List of equipment to be sold is attached (Attachment A).
- B. Proposed date of sale is August 10, 2013 10:00am, live at Nellis Auction.
- C. Proposed location of the auction is 2245 N. Nellis, Las Vegas NV 89115
- D. All equipment is to be advertised and sold without reserve or minimum bids.
- E. Cost of sale.
 - 1. Commission : 10% of the auction hammer price.
 - 2. 10% buyer's premium to be charged.
 - 3. Other costs of sale:
 - (a) All advertising cost are paid by Nellis Auction.
 - (b) All labor costs for auction will be paid by Nellis Auction.
 - (c) Costs of relocation to auction house from Pahrump, Nevada of \$150 to be paid by Trustee.
- F. Payment of all equipment is to be made in cash, Visa, Master Card or certified funds.
- G. Payment of sale proceeds will be made by Nellis Auction to the Trustee within 10 days of collection of funds.
- H. Equipment to be sold as is where is without any warranty.

 DATE 7/5/13
Kenneth Chupinsky, Manager
CRET LLC Series 2012-2 dba Nellis Auction
2245 North Nellis Boulevard
Las Vegas, Nevada 89115

ATTACHMENT 'A'

1994 20' Bayliner Boat
HIN BL1A68CKI394

1994 Trailer
VIN 405120BA3RC000205

1996 Yamaha Jet Ski
HIN YAMA3914J596

2002 Trailer
VIN 1G9BA12112R289007

SHELLEY D. KROHN
E-mail: Shelley.TrusteeKrohn@7trustee.net
228 South 4th Street, #300
Las Vegas, Nevada 89101
Telephone: (702) 421-2210
Facsimile (702) 366-1939

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:)	CASE NO. BK-S-13-13549-LBR
)	CHAPTER 7
DAVID MARK HINCHCLIFFE)	
)	
KARON L. HINCHCLIFFE)	Date: August 12, 2013
)	Time: 11:00 a.m.
Debtors.)	

ORDER AUTHORIZING TRUSTEE TO SELL NON-EXEMPT ASSETS AT PUBLIC
AUCTION, EMPLOY AUCTIONEER, AND PAY COMMISSION

Shelley D. Krohn, Trustee, filed a Motion to Sell Non-Exempt Assets at Public Auction, Employ an Auctioneer, and Pay Commission ("motion") in the above entitled case. The motion having come on regularly for hearing on the above date and time, before the United States Bankruptcy Court, District of Nevada, Shelley D. Krohn,

1 Trustee, appearing, and no other parties having appeared. The Court
2 having reviewed the motion, finding that service of the motion and
3 notice was proper, no opposition having been filed, good cause
4 appearing, therefore, it is hereby:

5 ORDERED that the Trustee's Motion to Sell Non-Exempt Assets at
6 Public Auction, Employ Auctioneer, and Pay Commission is granted. It
7 is further

8 ORDERED that the Trustee is further authorized to sell the
9 Estate's interest in:

10 a. 1994 20' Bayliner Boat (HIN# BL1A68CKI394)

11 b. 1994 Trailer (VIN# 405120BA3RC000205)

12 c. 1996 Yamaha Jet Ski (HIN# YAMA3914J596)

13 d. 2002 Trailer (VIN# 1G9BA12112R289007)

14 It is further

15 ORDERED that Kenneth Chupinsky of CRET LLC Series 2012-2 DBA
16 Nellis Auction is authorized to act as auctioneer of the Estate. It
17 is further

18 ORDERED that Kenneth Chupinsky of CRET LLC Series 2012-2 DBA
19 Nellis Auction is authorized to take a commission equal to 10% of the
20 gross receipt of the sale, and is authorized to charge a 10% buyer's
21 premium for the purchase of the asset, which will be added to the
22 customer's bill as a service charge to attend the auction. It is
23 further

24 ORDERED that the Trustee is authorized to pay Kenneth Chupinsky
25 of CRET LLC Series 2012-2 DBA Nellis Auction its buyer's premium and
26 commission from the gross sale proceeds, as stated in the order. It
27

1 is further

2 ORDERED that the Trustee is authorized to pay Kenneth Chupinsky
3 of CRET LLC Series 2012-2 DBA Nellis Auction costs to relocate the
4 assets from the Debtor's residence in Pahrump to the auction house
5 in the amount of \$150.00.

6 ORDERED that upon completion of the sale, the Trustee will file
7 a Report of Sale with this Court.

8 SUBMITTED BY:

9
10 _____
SHELLEY D. KROHN, TRUSTEE

11
12 CERTIFICATION

13 In accordance with LR 9021, counsel submitting this document certifies
14 as follows (check one):

15 _____ The court has waived the requirement set forth in LR
9021(b) (1) .

16 X No party appeared at the hearing or filed an objection to the
17 motion.

18 _____ I have delivered a copy of this proposed order to all counsel
who appeared at the hearing, and each has approved or
19 disapproved the order, or failed to respond, as indicated
below [list each party and whether the party has approved,
20 disapproved, or failed to respond to the document]:

21 Counsel appearing:

22 _____ I certify that this is a case under Chapter 7 or 13, that I
have served a copy of this order with the motion pursuant to
23 LR 9014(g), and that no party has objected to the form or
content of the order

24 IT IS SO ORDERED.

25 # # #
26